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Fifty-second session
SIXTH COMMITTEE
Agenda item 155

AMENDMENT TO ARTICLE 13 OF THE STATUTE OF THE UNITED NATIONS ADMINISTRATIVE TRIBUNAL

Draft resolution proposed by the Chairman of the Sixth Committee

The General Assembly,

Having considered the note by the Secretary-General of 17 September 1997 entitled "Amendment to article 13 of the statute of the United Nations Administrative Tribunal",[1]

Noting the proposal of the International Court of Justice referred to in that note that the statute of the Tribunal be modified to provide for the exercise of its competence in respect of the staff of the Registry of the International Court of Justice,

Recognizing that the competence of the Tribunal in Joint Staff Pension Fund cases, as approved by the General Assembly in resolution 955 (X) of 3 November 1955, is not reflected in the statute of the Tribunal,

Noting also the proposal of the Secretary-General, set out in the note, to amend the statute of the Tribunal by providing that its competence may be extended to international organizations and entities participating in the common system of conditions of service,

Desiring to amend the statute of the Tribunal in accordance with the proposals referred to in the note by the Secretary-General,

[1] A/52/142/Add.1.

Convinced of the desirability of reviewing more generally the provisions of the statute of the Tribunal at an early date,

1. Decides to amend article 13 of the statute of the United Nations Administrative Tribunal, with effect from 1 January 1998, as follows:

(a) New paragraphs 1, 2 and 4 would be inserted to read:

"1. The competence of the Tribunal shall be extended to the staff of the Registry of the International Court of Justice upon the exchange of letters between the President of the Court and the Secretary-General of the United Nations establishing the relevant conditions;

"2. The Tribunal shall be competent to hear and pass judgement upon applications alleging non-observance of the Regulations of the United Nations Joint Staff Pension Fund arising out of the decision of the United Nations Joint Staff Pension Board submitted to the Tribunal by:

(a) Any staff member of a member organization of the Fund which has accepted the jurisdiction of the Tribunal in Joint Staff Pension Fund cases who is eligible under article 21 of the Pension Fund regulations as a participant in the Fund, even if his employment has ceased, and any person who has acceded to such staff member's rights upon his death;

(b) Any other person who can show that he is entitled to rights under the Pension Fund Regulations by virtue of the participation in the Fund of a staff member of such member organization;

"4. The competence of the Tribunal may also be extended, with the approval of the General Assembly, to any other international organization or entity established by a treaty and participating in the common system of conditions of service, upon the terms set out in a special agreement between the organization or entity concerned and the Secretary-General of the United Nations. Each such special agreement shall provide that the organization or entity concerned shall be bound by the judgements of the Tribunal and be responsible for the payment of any compensation awarded by the Tribunal in respect of a staff member of that organization or entity and shall include, inter alia, provisions concerning its participation in the administrative arrangements for the functioning of the Tribunal and concerning its sharing the expenses of the Tribunal";

(b) Former article 13 would be renumbered paragraph 3 of article 13;

2. Decides to include in the provisional agenda of its fifty-third session the item entitled "Review of the statute of the Administrative Tribunal of the United Nations".

UNITED NATIONS **A**

General Assembly

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13 November 1997

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Fifty-second session
SIXTH COMMITTEE
Agenda item 146 (a)

UNITED NATIONS DECADE OF INTERNATIONAL LAW

Draft resolution proposed by the Chairman of the Working Group on the United Nations Decade of International Law

United Nations Decade of International Law

The General Assembly,

Recalling its resolution 44/23 of 17 November 1989, by which it declared the period 1990-1999 the United Nations Decade of International Law,

Recalling also that the main purposes of the Decade, according to resolution 44/23, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law,

Recalling further its resolution 51/157 of 16 December 1996, to which was annexed the programme for the activities for the final term (1997-1999) of the Decade, and its resolution 51/158 of 16 December 1996, entitled "Electronic treaty database",

Expressing its appreciation for the note submitted by the Secretary-General,[1] and having considered the note,

Recalling that the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations of 21 March 1986[2] is one of the conventions adopted under the aegis of the United Nations which have codified the law of treaties, and recalling also its impact on the practice of treaties concluded between States and international organizations or between international organizations,

Recalling also that at the forty-fifth session of the General Assembly the Sixth Committee established the Working Group on the United Nations Decade of International Law with a view to preparing generally acceptable recommendations on the programme of activities for the Decade,

Noting that at the fifty-second session the Sixth Committee reconvened the Working Group to continue its work in accordance with resolution 51/157 and all previous resolutions on the question,

Having considered the oral report of the Chairman of the Working Group to the Sixth Committee,

1. Expresses its appreciation for the work done on the United Nations Decade of International Law at the current session, and requests the Working Group of the Sixth Committee to continue its work at the fifty-third session in accordance with its mandate and methods of work;

2. Also expresses its appreciation to States and international organizations and institutions that have undertaken activities in implementation of the programme for the activities for the final term (1997-1999) of the Decade, including sponsoring conferences on various subjects of international law;

3. Invites all States and international organizations and institutions referred to in the programme to provide, update or supplement information on activities they have undertaken in its implementation, as appropriate, to the Secretary-General for inclusion in the report requested under paragraph 8 of resolution 51/157;

4. Encourages States to disseminate at the national level, as appropriate, information contained in the note of the Secretary-General;[1]

5. Encourages States to consider ratifying or acceding to the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, international organizations that have signed the Convention to deposit an act of formal confirmation of the Convention

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[1] A/52/363.

[2] A/CONF.129/15.

and other international organizations entitled to do so to accede to it at an early date;

6. Encourages States parties and international organizations or agencies, including depositaries, in order to further facilitate implementation of the obligation laid down in Article 102 of the Charter of the United Nations to provide, where available, a copy of the text of any treaty in disk or other electronic format and to consider providing where available translations in English or French or both as may be needed, for the purposes of assisting with the timely publication of the United Nations Treaty Series;

7. Invites the Secretary-General to apply the provisions of article 12, paragraph 2, of the Regulations to give effect to Article 102 of the Charter of the United Nations[3] to multilateral treaties falling within the terms of article 12, paragraph 2 (a) to (c);

8. Encourages the Office of Legal Affairs of the Secretariat to continue in its efforts to facilitate access to information concerning United Nations activities in the field of international law and to bring up to date the publication of the United Nations Juridical Yearbook;

9. Encourages the Secretary-General to continue developing a policy of providing Internet access to the United Nations Treaty Series and the Multilateral Treaties Deposited with the Secretary-General, including keeping in mind especially the needs of developing countries in recovering the costs thereof;

10. Requests the Secretary-General to proceed to translate and publish in the form of a report issued in the official languages of the United Nations a list of the titles of the treaties appearing in the publication Multilateral Treaties Deposited with the Secretary-General;

11. Also requests the Secretary-General to ensure that hard copies of the publications mentioned in paragraph 9 above continue to be distributed to permanent missions free of charge in accordance with their needs;

12. Appeals to States, international organizations and non-governmental organizations working in the field of international law and to the private sector to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme;

13. Once again requests the Secretary-General to bring to the attention of States and international organizations and institutions working in the field of international law the programme annexed to resolution 51/157;

14. Notes with appreciation the activities undertaken by the International Committee of the Red Cross in the field of international humanitarian law, including with regard to the protection of the environment in times of armed conflict;

15. Decides to include in the provisional agenda of its fifty-third session the item entitled "United Nations Decade of International Law".

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[3] United Nations, Treaty Series, vol. 859/860, p. VIII.